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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: **ALEX KASTALSKY ET AL** :
Serial No.: 10/764,168 :
Filing Date: May 3, 2005 :
Title: **NEW NANOTUBE-BASED VACUUM DEVICES** :
Group Art Unit: 2814 :
Examiner: **Mr. Wai-Sing Louie** :

LETTER IN RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

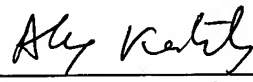
A Request for Continuing Examination was filed December 21, 2005. On January 18, 2006 a Notice of Non-Compliant Amendment was mailed. ^(see attached) In response thereto, an Amended Request for Continuing Examination is enclosed.

As will be seen, Claims 11-12, 18, and 22-49 -- which were marked "Previously Withdrawn" -- have been canceled. At the same time, Claim 50 has been marked "New". Claims 1, 7--10, 14, 16, 19-21 and 50 remain in this Application.

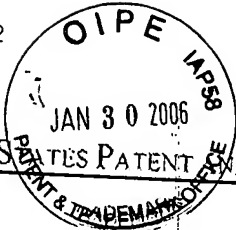
Respectfully submitted,

ALEX KASTALSKY ET AL

By:



ALEX KASTALSKY
Telephone No. 631-549-5900
January 21, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1350
 Alexandria, Virginia 22313-1350
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,168	01/26/2004	Alexander Kastalsky		7851

7590 01/18/2006

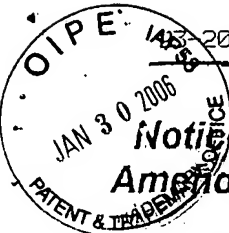
Alexander Kastalsky
 3 Kenneth Drive
 Wayside, NJ 07712

EXAMINER	
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ART UNIT	PAPER NUMBER
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DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No. <u>101764168</u>	Applicant(s)	
Examiner <u>Lozue</u>	Art Unit <u>2814</u>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12-31-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended). see claim 01
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propqnotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
- 2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Mrs. Jones
Legal Instruments Examiner (LIE)

571-272-1591
Telephone No.